REMARKS

Claims 1 to 17 were pending in the application at the time of examination. Claims 3, 5, 8, 10, 12, 15 and 17 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1 to 17 stand rejected as anticipated.

Enclosed herewith is a Supplemental Information Disclosure Statement with fee for the Examiner's consideration.

Applicant has amended the description to correct typographical errors and grammatical errors. Applicant also amended the description to consistently recite the same element for each reference numeral.

In the § 112, second paragraph rejection of Claims 3, 8, 12, and 15, the Examiner stated:

> . . . it is unclear what is meant by "merging data source" (i.e., is one the data sources recursively of the same type as the method described in the base claims?).

As best that it is understood the answer to the Examiner's question is yes. The Examiner is referred to element 540 in Fig. 5. The description at page 11, lines 4 to 12 recites:

> Herein, source 540 is a merging source, which means that an access to source 540 is actually an access to a plurality of different data sources 140, 150, 160, and 170, which are dissimilar. The access to merging source 540 was described above. From the outside world, merging source 540 does not look different from any of the other sources 550, 560, and 570. Hence, to user application 135, merging source 540 is just another source that is available to the user.

This is more generally described at page 11, line 16 to 25

> Therefore, through the concept of the provision of a common API for all of the different drivers, and further through the provision of a merging driver performing a demultiplex operation to distribute a query to the

different sources, the grouping of different sources as a "virtual database," which looks from the outside world like a single database, becomes possible in a very easy manner. <u>Moreover,</u> each of the individual sources grouped <u>together in such a "virtual database" may itself consist of a grouping of different sources.</u> (Emphasis added.)

Accordingly, Applicant respectfully submits that when Claims 3, 8, 12 and 15 are read in view of the description and drawings, those of skill in the art will understand the metes and bounds of these Claims. Accordingly, Applicant requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 3, 8, 12, and 15.

In the § 112, second paragraph rejection of Claims 5, 10, and 17, the Examiner stated:

> . . . it is unclear whether "said API" refers to the API used to access each driver or a different API used to access the merging driver.

Claims 5, 10 and 17, as filed, referred to the API used to access each driver, which was in error. As illustrated in Fig. 2, for example, merging driver 125 is accessed through user interface API 205. Accordingly, Claims 5, 10, and 17 have been amended. The amendments are supported at least by Fig. 2. Applicant requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 5, 10, and 17.

Claims 1 to 17 stand rejected as being clearly anticipated by U.S. Patent No. 5,475,836, hereinafter referred to as Harris. The Examiner stated in part:

> . . . Harris teaches the invention as claimed including a method for . . .
> using an API for each driver in said plurality of separate drivers, wherein said API is substantially identical for each of said drivers in said plurality of separate drivers(6(M)) Fig. 1; col. 1, lines 45-60; col. 4, lines 28-29); and
> receiving said single access operation by a merging driver (2, Fig. 1) wherein in response to

said single access operation, said merging driver
accesses each driver in said plurality of separate
drivers through said API(col. 3, lines 23-26).

Applicant respectfully traverses the anticipation
rejection of Claim 1. Applicant notes that interface 2 in
Fig. 1 of Harris is not a merging driver. Rather Harris
described interface 2 as:

An application 4 uses interface 2 to establish
connectivity to one or more drivers 6(1) through 6(M) ...

Harris, Col. 4, lines 6, 7.

Interface 2 is used "to establish connectivity," but the
application must make the calls directly to a driver. Harris
makes this clear by stating:

Upon invoking interface 2, an application 4 gains
access to a collection of driver browsing functions which
give it the ability to discover the list of available
drivers 6 and their attributes. When a driver 6 is
identified to which connectivity is desired, application 4
allocates memory for a driver link (DVLINK) data structure
(to be described) and invokes a routine to establish
connectivity to that driver. If driver 6 has not yet been
loaded into active memory, interface 2 first dynamically
loads driver 6 into memory. Once it is loaded, driver 6
stores certain driver-specific information in DVLINK.
Some of the stored information identifies multiple entry
points into driver 6. **Each entry point represents a
different call that is supported by driver 6 and that may
be made to driver 6 by application 4.** The complete
collection of available calls represents the service and
management capabilities of the driver interface to the
external databases 8. (Emphasis added).

Harris, Col. 4, lines 35-51.

For each driver, an application must make calls to that driver based upon this description by Harris. Further, Harris taught:

> After the application has retrieved the above-described information about the driver/database interface, **the application must obtain sufficient information about the database so that the application can construct and execute data management commands.** (Emphasis added).

Harris, Col. 14, lines 15-19.

Thus, the burden is on the application to access a particular database and obtain information so that application can access the database driver directly via a query. See Harris, Col. 16, line 62 to Col. 17, line 12 that stated the application passed the query in a particular form directly to the database driver. Consequently, Harris fails to suggest or disclose:

> receiving said single access operation by a merging driver wherein in response to said single access operation, said merging driver accesses each driver in said plurality of separate drivers through said API

as recited in Claim 1. Applicant respectfully submits the description of interface 2 by Harris fails to teach a merging driver that "accesses each driver . .. through said API" in response to a single access operation.

Thus, Harris fails to show "The identical invention ... in as complete detail as is contained in the ... claim." MPEP § 2131, 8th Ed., Rev. 1, p 2100-70, (Feb 2003). Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claim 2 depends from Claim 1 and so distinguishes over Harris for at least the same reasons as Claim 1. The Examiner cited Col. 4, lines 6 to 18 of Harris as anticipating Claim 2. This portion of Harris fails to mention any actions by a user

and so fails to meet the requirements for anticipation, as quoted above from the MPEP. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 2 in view of Harris.

Claims 3 depends from Claim 2 and so distinguishes over Harris for at least the same reasons as Claims 1 and 2. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 3 in view of Harris.

Claims 4 and 5 depend from Claim 1 and so distinguish over Harris for at least the same reasons as Claim 1. Applicant requests reconsideration and withdrawal of the anticipation rejection of each of Claims 4 and 5 in view of Harris.

Claim 6 stands anticipated in view of Harris for the same reasons as given above for Claim 1. The above remarks with respect to Claim 1 are applicable to Claim 6, and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 6 in view of Harris.

Claims 7 to 10 depend from Claim 6 and so distinguish over Harris for at least the same reasons as Claim 6. Applicant requests reconsideration and withdrawal of the anticipation rejection of each of Claims 7 to 10 in view of Harris.

Claim 11 stands anticipated in view of Harris for the same reasons as given above for Claim 1. The above remarks with respect to Claim 1 are applicable to Claim 11 and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 11 in view of Harris.

Claim 12 depends from Claim 11 and so distinguishes over Harris for at least the same reasons as Claim 11. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 12 in view of Harris.

Claim 13 stands anticipated in view of Harris for the same reasons as given above for Claim 1. The above remarks with

respect to Claim 1 are applicable to Claim 13, and are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 13 in view of Harris.

Claims 14 to 17 depend from Claim 13 and so distinguish over Harris for at least the same reasons as Claim 13. Applicant requests reconsideration and withdrawal of the anticipation rejection of each of Claims 14 to 17 in view of Harris.

Claims 1, 6, 11, and 13 are stand rejected as anticipated by International Publication No. 97/33239, hereinafter referred to as Tabuchi.

Applicant respectfully traverses the rejection. The database system of Tabuchi is a specialized system that utilizes only "singe association data bases (704, 705, 706) having combined two data lines." Interface 720 is not a merging driver as recited in Claim 1, but instead a user interface. Tabuchi stated:

> Fig. 3 shows an exemplary display 770 optionally associated with interface driver 720. Display 770 contains a plurality of windows (such as windows 772-775), one for displaying information relating to a selected database. The user can select **search criteria in each window . . .** (Empahsis added.)
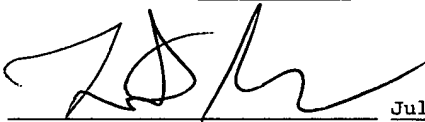
Tabuchi, page 6, lines 6 to 11.

Thus, Tabuchi taught that the user must fashion a direct search request for each selected database. This teaches away from Applicant's invention, because a single access operation is received by the merging driver and the merging driver accesses each database. The user is not required to fashion a database specific search criteria for each individual database as in Tabuchi. Applicant requests reconsideration and

withdrawal of the anticipation rejection of each of Claims 1, 6, 11, and 13 in view of Tabuchi.

Claims 1 to 17 remain in the application. Claims 5, 10 and 17 have been amended. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 2, 2004.

_____ July 2, 2004
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